

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	
	:	Criminal No. 1:01-CR-00321
v.	:	
	:	(Judge Kane)
ANTHONY ALSTON	:	(Electronically Filed)

MOTION TO EXTEND PRETRIAL MOTION DEADLINE

AND NOW comes the defendant, Anthony Alston, by his attorney Lori J. Ulrich of the Federal Public Defender's Office, and files this Motion to Extend Pretrial Motions Deadline.

1. By indictment filed October 10, 2001, Anthony Alston was charged with possession of a firearm by a convicted felon in violation of 18 U.S.C. § 922(g)(1).
2. On October 4, 2005, Mr. Alston appeared before the Honorable J. Andrew Smyser and entered a plea of not guilty to the indictment.
3. On October 31, 2005 this Court's pre-trial order was filed which noted that pretrial motions were due October 24, 2005.
4. The government has offered Mr. Alston a conditional plea which would allow him to plead guilty to the indictment, but preserve his argument that the search warrant in the case lacked probable cause. Mr. Alston is considering this

offer.

5. The Federal Public Defender's Office has been trying to obtain a copy of the state court transcript during which the state court judge suppressed the fruits of the unlawful search (the firearm in this case) finding that the warrant lacked probable cause.

6. The Federal Public Defender's Office has been told that the court reporter who took the notes of the hearing no longer works at the courthouse and his whereabouts are unknown.

7. This transcript could be important in Mr. Alston's motion to suppress evidence and the Federal Public Defender's Office is currently trying to locate the court reporter.

8. For these reasons, Mr. Alston is requesting additional time to file his pretrial motions.

9. Mr. Alston is requesting that his pretrial motions deadline be extended until November 21, 2005.

WHEREFORE, for all the foregoing reasons, Anthony Alston respectfully requests that this Honorable Court grant his Motion to Extend the Pretrial Motion Deadline.

Respectfully submitted,

Date: October 31, 2005

/s/ Lori J. Ulrich

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Attorney for Anthony Alston

CERTIFICATE OF SERVICE

I, Lori J. Ulrich of the Federal Public Defender's Office, do hereby certify that on this date I served a copy of the foregoing **MOTION TO EXTEND PRETRIAL MOTION DEADLINE**, via Electronic Case Filing, or by placing a copy in the United States mail, first class in Harrisburg, Pennsylvania, addressed to the following:

Eric Pfisterer, Esquire

[REDACTED]
[REDACTED]

Anthony Alston

[REDACTED]
[REDACTED]
[REDACTED]

Date: October 31, 2005

/s/ Lori J. Ulrich

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